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FM AMEMBASSY KHARTOUM

TO RUEHC/SECSTATE WASHDC IMMEDIATE 1493

INFO RUEHZO/AFRICAN UNION COLLECTIVE PRIORITY

RUEHEE/ARAB LEAGUE COLLECTIVE PRIORITY

RUCNFUR/DARFUR COLLECTIVE PRIORITY

RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY

RHMFISS/CJTF HOA PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001164

SIPDIS

DEPARTMENT FOR AF A/S FRAZER, AF/SPG, SE WILLIAMSON, IO,
NSC FOR BPITTMAN AND CHUDSON, ADDIS ABABA PLEASE PASS TO
USAU

E.O. 12958: DECL: 08/02/2018

TAGS: KPKO PGOV PHUM PREL UN AU SU

SUBJECT: SUDAN COMPLAINS ABOUT USUN VOTE, COMMENTS ON
UNAMID MANDATE RENEWAL

REF: A. KHARTOUM 1099

1B. KHARTOUM 1092

1C. KHARTOUM 1090

Classified By: CDA Alberto M. Fernandez, reasons 1.4 (b) and (d).

11. (C) Summary: The Sudanese Foreign Ministry called in Charge Fernandez to formally complain about remarks made at USUN on July 31 which seem to imply that the United States is supporting the International Criminal Court (ICC) bringing war crimes and genocide charges against President Al-Bashir. CDA refuted that claim. The Sudanese also explained their agreement on Thai and Nepalese troops for the UN force and acceptance of the work of the American company PAE in Darfur.
End summary.

AMERICA UNMASKED ON ICC?

12. (C) Sudanese MFA Under-Secretary Mutriff Siddiq called in Charge Fernandez on August 3 to complain vociferously about the US vote at the UNSC on July 31 renewing the mandate of Darfur peacekeepers, "and even worse than the vote was your explanation at the UN for the vote." Siddiq read the transcript of Deputy PermRep Wolf's remarks which said that the US had voted as it did because "language added to the resolution would send the wrong message to the Sudanese President Al-Bashir and undermine efforts to bring him and others to justice." Siddiq said that this statement "gives the strong impression that it is the United States, not the UK or France, that is behind the ICC all along and is seeking to target Sudan's president." Many here now think that "your real agenda is not peace in Darfur but war in Sudan" when they read this unprecedented statement.

13. (C) Charge Fernandez responded that it was the American position that the renewal of UNSCR 1769 should be a stand alone document without bringing in extraneous issues, like the ICC. That had been Sudan's position as well. Siddiq agreed that that had been Sudan's initial position and "we could have lived with that vote and explanation by the Americans," but that is not what the U.S. had said to justify its vote. Charge responded that he had also been surprised by that specific reference to the Sudanese President, as no other USG official had said such a thing, certainly President Bush had not. He noted that the standard language is that the US is against impunity and for justice for crimes committed in Darfur - whether by the Khartoum regime or by the rebels - without specifying the President of Sudan or the appropriate venue for such justice to be rendered (since the US is not an ICC member). Charge has checked with Washington and had been

assured that there is no change in US policy and the US is not prejudging the question of the ICC or of Sudan's President.

PAE CAN FINISH ITS WORK UNMOLESTED

14. (C) Charge asked about Sudan's position on the American company (a subsidiary of Lockheed Martin) working in Darfur, PAE, since UN sources had assured us that the Sudanese would allow it to continue its work. Siddiq said that this was true. AU Chairman Jean Ping had initially raised this topic with President Al-Bashir at the AU Summit in Sharm el Sheikh and Al-Bashir had confirmed this with UNAMID officials on July 24. Even though PAE's contract with the UN expired on July 15 and would not be renewed, Sudan would "allow PAE as much extra time as needed to complete its work." This included expediting visas and flights PAE needed to bring in materiel and staff to complete its assigned tasks for the UN. "We recognize that some of the delay was the result of our own suspicion, and some was a result of the UN." Siddiq said that there was no specific end date for this allowance, "just whenever they finish."

THAI AND NEPALESE ACCEPTABLE

15. (C) Charge then asked about the status of the Thai and Nepalese units intended for UNAMID. Siddiq answered that "this is an American accomplishment" which came out of the

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discussion with SE Williamson when Sudan agreed to every suggestion made by the United States. Even though Williamson had walked out of the talks, Sudan had decided to "keep its word" on issues related to UNAMID deployment so once the Egyptian and Ethiopian units (currently deploying) and US trained and equipped Rwandan and Senegalese units (expected in August) are in place, "we have no objections to these Asian units as well." Both UNAMID officials and UNSC PermReps had been notified of Sudan's decision. Sudan was also being helpful on humanitarian issues of interest to the U.S. and only held back on purely bilateral issues, such as US military officers for UNAMID. "And you got construction on your new embassy thrown in as well," he pointedly reminded Charge.

16. (C) Siddiq said that Sudan would welcome the visit of Special Envoy Williamson later that week even though the Sudanese regime's expectations were low, "we have been disappointed by you many times over the past 8 years." He added that he himself believed that the Bush Administration lacked the authority to engage in real diplomacy because it has so little time left, "others in the NCP may be more hopeful, but I am not." He reiterated the view that SE Williamson was pressed by hawks in the Administration to break off a promising effort at reconciliation in June, "I think that is pretty obvious" he noted.

17. (C) Comment: Certainly the USG comments quoted by the Sudanese MFA strongly imply that the US is more adamant on the ICC than actual ICC members UK and France, which have gone out of their way to signal their interest in finding some sort of compromise with the Sudanese. This is a message that FM Miliband gave to the Sudanese in July and which FM Kouchner has offered to deliver personally to Al-Bashir in August. The Sudanese cannot imagine that such a choice of language by a US official was a mistake, even though it is at sharp variance with other comments by officials, including the President, since the July 14 announcement by Ocampo. Siddiq's clarification on PAE and on the Thai/Nepalese confirms past embassy reporting and shows that the Sudanese have a vested interest in demonstrating how reasonable and accommodating they can be in the interim period before an

actual ICC arrest warrant against the President is handed down. End comment.

FERNANDEZ